

FILED

MAR 25 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY *[Signature]* **DEPUTY**

Also, the defendant moves that the Court will adequately and effectively provide a "review" and include the necessary motion and documentation from the defendant to move forward (if necessary). Otherwise the defendant is without remedy save by his "Writ".

Further, the Court should not be judging by "external" standard, but rather "true" standard. This is clearly outlined within the previous motion. This is an injustice to the defendant and the citizen's of the United States.

No matter the outcome, HOFSCHEIER and most recently STOW (and many alike) whom had sex with a minor had be relieved of their registration requirement, thus affording the defendant and others the opportunity of the same. However, the defendant is placed in "another" category and denied his Constitutional right. This is a requirement nor a privilege and should be removed accordingly promptly.

This declaration is submitted in conjunction with previous motion and documentation to provide a sound judgment of granting a cert for the Court. This should not be a "battle of the wills", but what is Constitutional and right among the laws, not just adherence to such as at pertains. I continually fight an upheaval battle with the judicial system while being on parole and keeping within the compounds of conditions of parole and yet get penalized for doing such.

I Robert Lee Quackenbush, declare under the penalty of perjury the foregoing is true and correct, and this declaration was executed n this 22 day of March, 2008, in San Diego, California.

Respectfully submitted,



ROBERT LEE QUACKENBUSH

Robert Lee Quackenbush
2952 Hornet Way
San Diego, CA 92106

RECEIVED
JAN 30 2008
CLERK SUPREME COURT

IN THE SUPREME COURT FOR
THE STATE OF CALIFORNIA

S160472

In re ROBERT LEE QUACKENBUSH

Case No. _____

Appellate No. D-051763

Superior Court Case No. SCD 175 743

On Writ of Habeas Corpus

Habeas Corpus No. HC 18020

WRIT OF HABEAS CORPUS FOR PETITION

OF REVIEW (DE NOVO)

IN PROPRIA PERSONA _____/

I. INTRODUCTION

Defendant now comes before the Court in the above-entitled matter for "review" [de novo] of his Writ of Habeas Corpus and it's declarations thereof, within the meaning of "a formal investigation into the facts related to his claims, allegations, and documentation of the findings with specificity of law or regulations, including the decision to grant or deny".

The defendant has been denied his "Writ" from the Appellate Court, Division ONE on Jan 18, 2008 appeal to this Supreme Court to grant cert, without further debating politics, case laws, and other avenues that does nothing more than prolonging what the law requires. Whereas, he comes for consideration by submittal of this DE NOVO and its attached declarations. Thereby, requests the Court to grant his petition in the furtherance of justice for the wrongs suffered by the deliberate indifference of the judicial system and the prejudicial means thereof.

Therefore, it is important to recognize that the defendant attempts to ascertain his claims pursuant his petition in lieu of the Supreme Court granting cert., and the merits of his claims are valid.

Thereby granting the issuance of the defendant's "Writ", and ordering compliance with the sentencing Court to correct and provide an 'Amended' Abstract of Judgment ("AoJ") would be a great advantage to all parties. Therefore, the defendant moves the Court will adequate and effectively "review" his Writ of Habeas Corpus, thus, provide the necessary motion (or minutes) of an Order to grant relief as indicated herein of his petition, procedures, and laws. Otherwise, the defendant is without remedy save by this Writ. This would be deemed just and appropriate, considering the unlawful practice of the judicial members thereof.

Furthermore, stop judging the "external" standard, and judge by "true" standards. This is clearly an Equal Protection rights issuance, nothing more, nothing less. I should not be forced to do anything outside the scope, while another enjoys freedom within a similar range, otherwise, instead of justice and freedom to every individual, it becomes a source of communism in effect, and therefore, justice is no longer being served but rather perverted. In addition the review (attached) does not meet the specifications within the rules and regulations and has not sufficiently "reviewed" or documented all claims therein accordantly.

This is unfortunate that it has had to come to this and so far away from when justice was allegedly conceived, and currently violets State and Federal Constitutions, with the court's and each member thereof permission.

Each person shall be treated with "equal" protection, no exceptions (even equally or similar in nature)! No matter how it looks or described, since Hofsheier, and most recently Stow (and many alike) had sex with a minor and relieved from the registration requirement, then others are afforded the same opportunity; and just because it was "another type" has no bearing and is argumentive only, but still remains within the same category and therefore, this registration shall be removed from my case herein promptly.

The descriptions hereto may not be exact or have professional reasoning, however, I have made every attempt under the scope and knowledge that I have in order to bring my claim forthwith and help this court understand what's trying to be conveyed with the best knowledge available, thus, ask this court to work on sound principles and not professionalism under law degree's or knowledge or expect to live up-to such requirement, thus, being allowed just to present my case as I know it. I am not expert! This case before you does lack merit and has it's justification for an adequate review, thus requires reversal.

This declaration is prepared and declared under the penalty of perjury that the foregoing is true and correct, and this declaration was executed on this 25 day of January, 2008, at San Diego, California.

Respectfully submitted,



IN PROPRIA PERSONA

//

//

Robert Lee Quackenbush
2952 Hornet Way
San Diego, CA 92106

In the California Supreme Court
for the State of California

In re ROBERT LEE QUACKENBUSH

Case No.

S160472

On Writ of Habeas Corpus

Appellate No. D-051763

PROOF OF SERVICE

IN PROPRIA PERSONA _____/

I. INTRODUCTION

I hereby certify that I am the person of the above-entitled matter, and I served a copy of the attached DE NOVO PETITION _____ by placing a copy in a postage-paid envelope addressed to the person or place hereinafter listed, thus, by depositing said envelope in the United States Mail, through the internal legal mail procedures that are set forth by the California Department of Corrections & Rehabilitation ("CDCR").

The list of person, place, or Attorney, or Courthouse designated accordingly are as follows:

Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

California Court of Appeals
750 B Street, Suite 300 (Symphony Towers)
San Diego, California 92101

This declaration is prepared and declared under the penalty of perjury that the foregoing is true and correct, and this declaration was executed on this 25 day of January, 2008, at San Diego, California.

ROBERT LEE QUACKENBUSH

Type or Print Name

Respectfully submitted,



IN PROPRIA PERSONA

COURT OF APPEAL - FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re ROBERT LEE QUACKENBUSH

on

Habeas Corpus.

D051763

(San Diego County
Super. Ct. No. SCD 175743)

Stephen M. Kern

JAN 18

Court of Appeal Four

THE COURT:

The petition for a writ of habeas corpus has been read and considered by Just Nares, McIntyre and Aaron.

Robert Lee Quackenbush seeks review of the superior court's order denying his petition for a writ of habeas corpus. In that petition, Quackenbush sought to vacate requirement that he register as a sex offender. We do not review an order by the superior court denying a petition for a writ of habeas corpus. (*In re Clark* (1993) 5 Cal.4th 776, fn. 7.) Quackenbush has not provided an adequate record to review his claims. (*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

The petition is denied.


NARES, Actin

Copies to: All parties

RECEIVED
JAN 30 2008
CLERK SUPREME COURT

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in November 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Robert Lee Quackenbush

Unknown
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

COURT IN PROBATE CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Robert Lee Quackenbush
PO Box 80935
San Diego, CA 92138

ATTORNEYS (IF KNOWN)

'08 CV 0567 JAH LSP

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(a)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 3/25/2008

SIGNATURE OF ATTORNEY OF RECORD

